

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 1. RADIATION REGULATORY AGENCY

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 236.) The Governor's Office authorized the notice to proceed through the rulemaking process on October 21, 2011.

[R12-01]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action**

R12-1-102	Amend
R12-1-303	Amend
R12-1-305	Amend
R12-1-306	Amend
R12-1-310	Amend
R12-1-320	Amend
R12-1-710	Amend
Exhibit A	Amend
R12-1-1501	Amend
R12-1-1509	Amend
R12-1-1510	Amend
R12-1-1513	Amend
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 30-654(B)(5)

Implementing statutes: A.R.S. §§ 30-651, 30-654, 30-657, 30-671(B), 30-672, 30-673, 30-681, 30-687, 30-688, and 30-689
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: 17 A.A.R. 2345, November 18, 2011
- 4. The agency's contact person who can answer questions about the rulemaking:**

Name:	Jerry W. Perkins
Address:	Radiation Regulatory Agency 4814 S. 40th St. Phoenix, AZ 85040
Telephone:	(602) 255-4845, ext. 272
Fax:	(602) 437-0705
E-mail:	jperkins@azrra.gov
Web site:	www.azrra.gov

Notices of Proposed Rulemaking

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

This rulemaking package amends and adds several rules to ensure that Arizona radiation compliance remains compatible with the Nuclear Regulatory Commission regulations. This compatibility is a requirement under Arizona's agreement state status.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

There is little or minimal economic impact from any of the proposed rules in this rulemaking. Currently all licensees and registrants pay an annual fee which covers the administrative cost and inspection fees for the re facility number. This package has no fee increase or new requirements that would markedly change the way businesses operate with radiation safety concerns in mind. The amendments in this rulemaking catch Arizona up with federal regulations in accordance with the Agreement State document signed by the state Governor on May 21, 1963.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Jerry W. Perkins
Address: Radiation Regulatory Agency
4814 S. 40th St.
Phoenix, AZ 85040
Telephone: (602) 255-4845, ext. 272
Fax: (602) 437-0705
E-mail: jperkins@azrra.gov
Web site: www.azrra.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding at the Agency will be scheduled for 9:00 a.m. on March 2, 2012 at 4814 S. 40th St., Phoenix, AZ. A person may also submit written comments concerning the proposed rules by submitting them no later than 5:00 p.m., March 2nd, 2012, to the following person:

Name: Aubrey V. Godwin, Director
Address: Arizona Radiation Regulatory Agency
4814 S. 40th St.
Phoenix, AZ 85040
Telephone: (602) 255-4845
Fax: (602) 437-0705

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules refer to permits both general and specific. The general permit applies to exempt levels of radioactive material, and specific permits are issued by rule for quantities and uses that are specific to the user and his or her training or scope of practice.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rule amendments are compatible with existing federal regulations and are not more stringent.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis has been completed as the regulated community must be in compliance with either federal regulations (if not under a state jurisdiction) or agreement state rules.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

<u>Rule</u>	<u>Incorporated Material</u>
R12-1-102, "Certificate of Compliance"	10 CFR 71
R12-1-306(B)(1)	10 CFR 31.5(b), (c), and (d)
R12-1-306(B)(4)(g)	10 CFR 110
R12-1-306(D)(1)	10 CFR 32.57 or 10 CFR 70.39
R12-1-306(E)(3)	10 CFR 32
R12-1-1509(A)	49 CFR 173.417(a)
R12-1-1510(A)(6)(c)	10 CFR 71.22
R12-1-1510(B)(1)(a)	10 CFR 71.85(c)
R12-1-1510(B)(1)(b)	49 CFR 173.403
R12-1-1510(B)(2)(a)	10 CFR 71.85(c)
R12-1-1510(B)(2)(b)	49 CFR 173.403
R12-1-1510(B)(3)(a)	10 CFR 71.71 and 71.73
R12-1-1510(B)(3)(b)	10 CFR 71.71 and 71.73
R12-1-1510(B)(5)	10 CFR 71.4
R12-1-1510(C)	49 CFR 173 and 178
R12-1-1510(C)(2)(b)	10 CFR 71, Subparts A, G, and H
R12-1-1510(C)(3)	49 CFR 173.403
R12-1-1510(D)(1)	49 CFR 171.12
R12-1-1510(D)(3)(b)(ii)	10 CFR 71, Subparts A, G, and H
R12-1-1510(E)(8)	10 CFR 71.45
R12-1-1510(E)(9)	49 CFR 173.443
R12-1-1510(10)	10 CFR 71.47
R12-1-1510(11)	10 CFR 71.43(g)
R12-1-1513	10 CFR 20.1906(e)

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 1. RADIATION REGULATORY AGENCY

ARTICLE 1. GENERAL PROVISIONS

Section

R12-1-102. Definitions

ARTICLE 3. RADIOACTIVE MATERIAL LICENSING

Section

R12-1-303. Radioactive Material Other Than Source Material; Exemptions

R12-1-305. General Licenses - Source Material

R12-1-306. General License - Radioactive Material Other Than Source Material

R12-1-310. Special Requirements for Issuance of Specific Broad Scope Licenses

R12-1-320. Reciprocal Recognition of Licenses

ARTICLE 7. MEDICAL USES OF RADIOACTIVE MATERIAL

Section

R12-1-710. Radiation Safety Officer Training

ARTICLE 10. NOTICES, INSTRUCTIONS, AND REPORTS TO ~~IONIZING~~ RADIATION WORKERS; INSPECTIONS

Section

Exhibit A. Form ARRA-6 (~~1993~~ 2011) Notice to Employees

ARTICLE 15. TRANSPORTATION

Section

R12-1-1501. Requirement for License

R12-1-1509. ~~Reserved~~ General License: Plutonium-Beryllium Special Form Material

R12-1-1510. Packaging

R12-1-1513. ~~Reserved~~ Opening Instructions

ARTICLE 1. GENERAL PROVISIONS

R12-1-102. Definitions

Terms defined in A.R.S. § 30-651 have the same meanings when used in this Chapter unless the context otherwise requires. Additional subject-specific definitions are used in other Articles.

“A₁” No change

“A₂” No change

“Absorbed dose” No change

“Accelerator” No change

“Accelerator produced material” No change

“Act” No change

“Activity” No change

“Adult” No change

“Agency” or “ARRA” No change

“Agreement State” No change

“Airborne radioactive material” No change

“Airborne radioactivity area” No change

“ALARA” No change

“Analytical x-ray equipment” No change

“Analytical x-ray system” No change

“Annual” No change

“Background radiation” No change

“Becquerel” No change

“Bioassay” No change

“Brachytherapy” No change

“By-product material” No change

“Calendar quarter” No change

“Calibration” No change

“Certifiable cabinet x-ray system” No change

“Certified cabinet x-ray system” No change

“Certificate holder” means a person who has been issued a certificate of compliance or other package approval by the Agency or NRC.

“Certificate of Compliance” (CoC) means the certificate issued by the Commission under 10 CFR 71, Subpart D (revised January 1, 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments), which approves the design of a package for the transportation of radioactive material.

“CFR” No change
“Chelating agent” No change
“Civil penalty” No change
“Collective dose” No change
“Committed dose equivalent” No change
“Committed effective dose equivalent” No change
“Curie” No change
“Current license or registration” No change
“Deep-dose equivalent” No change
“Depleted uranium” No change
“Dose” No change
“Dose equivalent” No change
“Dose limits” No change
“Dosimeter” No change
“Effective dose equivalent” No change
“Effluent release” No change
“Embryo/fetus” No change
“Enclosed beam x-ray system” No change
“Enclosed radiography” No change
 “Cabinet radiography” No change
 “Shielded room radiography” No change
“Entrance or access point” No change
“Exhibit” No change
“Explosive material” No change
“Exposure” No change
“Exposure rate” No change
“External dose” No change
“Extremity” No change
“Fail-safe characteristics” No change
“Field radiography” No change
“Field station” No change
“Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities” No change
“Generally applicable environmental radiation standards” No change
“Gray” No change
“Hazardous waste” No change
“Healing arts” No change
“Health care institution” No change
“High radiation area” No change
“Human use” No change
“Impound” No change
“Individual” No change
“Individual monitoring” No change
“Individual monitoring device” No change
“Individual monitoring equipment” No change
“Industrial radiography” No change

“Injection tool” No change
“Inspection” No change
“Interlock” No change
“Internal dose” No change
“Irradiate” No change
“Laser” No change
“Lens dose equivalent” No change
“License” No change
“Licensed material” No change
“Licensed practitioner” No change
“Licensee” No change
“Licensing State” No change
“Limits” No change
“Local components” No change
“Logging supervisor” No change
“Logging tool” No change
“Lost or missing licensed or registered source of radiation” No change
“Low-level waste” No change
“Major processor” No change
“Medical dose” No change
“Member of the public” No change
“MeV” No change
“Mineral logging” No change
“Minor” No change
“Monitoring” No change
“Multiplier” No change
“NARM” No change
“Normal operating procedures” No change
“Natural radioactivity” No change
“NRC” No change
“Nuclear waste” No change
“Occupational dose” No change
“Open beam system” No change
“Package” No change
“Particle accelerator” No change
“Permanent radiographic installation” No change
“Personnel dosimeter” No change
“Personnel monitoring equipment” No change
“Personal supervision” No change
“Pharmacist” No change
“Physician” No change
“Preceptor” means an individual who provides, directs, or verifies training and experience required for an individual to become an authorized user, an authorized medical physicist, an authorized nuclear pharmacist, or a Radiation Safety Officer.
“Primary beam” No change
“Public dose” No change
“Pyrophoric liquid” No change

“Pyrophoric solid” No change

“Qualified expert” No change

“Quality Factor” No change

“Quarter” No change

“Rad” No change

“Radiation” No change

“Radiation area” No change

“Radiation dose” No change

“Radiation machine” No change

“Radiation safety officer” (RSO) means the individual and who for license conditions:

Meets the requirements in 10 CFR 35.50(a) or (c)(1) and 35.59, revised January 1, 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments; or is identified as a Radiation Safety Officer on a specific medical use license issued by the NRC or an Agreement State; or a medical use permit issued by a NRC master material licensee.

Or, who for registration conditions is designated by the ~~licensee or~~ registrant as the individual who has the knowledge, authority, and responsibility to apply appropriate radiation protection principles to ensure radiation safety and compliance with the Act, this Chapter and any ~~license, or~~ registration conditions.

“Radioactive marker” No change

“Radioactive material” No change

“Radioactivity” No change

“Radiographer” No change

“Radiographer’s assistant” No change

“Registrant” No change

“Registration” No change

“Regulations of the U.S. Department of Transportation” No change

“Rem” No change

“Research and Development” No change

“Restricted area” No change

“Roentgen” No change

“Safety system” No change

“Sealed source” No change

“Sealed Source and Device Registry” No change

“Shallow-dose equivalent” No change

“Shielded position” No change

“Sievert” No change

“Site boundary” No change

“Source changer” No change

“Source holder” No change

“Source material” No change

“Source material milling” No change

“Source of radiation” or “source” No change

“Special form radioactive material” No change

“Special nuclear material in quantities not sufficient to form a critical mass” No change

“Storage area” No change

“Storage container” No change

“Subsurface tracer study” No change

“Survey” No change

“TEDE” No change
“Teletherapy” No change
“Temporary job site” No change
“Test” No change
“These rules” No change
“Total Effective Dose Equivalent” (TEDE) No change
“Total Organ Dose Equivalent” (TODE) No change
“Unrefined and unprocessed ore” No change
“Unrestricted area” No change
“U.S. Department of Energy” No change
“Very high radiation area” No change
“Waste” No change
“Waste handling licensees” No change
“Week” No change
“Well-bore” No change
“Well-logging” No change
“Whole body” No change
“Wireline” No change
“Wireline service operation” No change
“Worker” No change
“WL” No change
“WLM” No change
“Workload” No change
“Year” No change

ARTICLE 3. RADIOACTIVE MATERIAL LICENSING

R12-1-303. Radioactive Material Other Than Source Material; Exemptions

A. Exempt concentrations

1. Except as provided in subsection (A)(2), any person is exempt from this Article if the person receives, possesses, uses, transfers, owns, or acquires products or materials containing radioactive material in concentrations not in excess of those listed in Exhibit A.
2. This Section shall not be deemed to authorize the import of byproduct material or products containing byproduct material.
3. A manufacturer, processor, or producer of a product or material is exempt from the requirements for a license issued under R12-1-311(A) or of this Article to the extent that this person transfers byproduct material contained in a product or material in concentrations not in excess of those specified in Exhibit B of this Article and introduced into the product or material by a licensee holding a specific license issued by the Commission expressly authorizing such introduction. This exemption does not apply to the transfer of byproduct material contained in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.
- ~~2-4.~~ A person shall not introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under subsection (A)(1) or equivalent Regulations of the U.S. Nuclear Regulatory Commission or any Agreement State or Licensing State, except in accordance with ~~a general license prescribed in R12-1-320~~ a license issued under 10 CFR 30.14 or 32.13.

B. Exempt items

1. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products, or persons who initially transfer for sale or distribution the following products, a person is exempt from this Chapter to the extent that the person receives, possesses, uses, transfers, owns, or acquires the following products:
 - a. Timepieces, hands, or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified levels of radiation:
 - i. ~~925 MBq~~ megabecquerels (25 millicuries) of tritium per timepiece,

Notices of Proposed Rulemaking

- ii. 185 ~~MBq megabecquerels~~ (5 millicuries) of tritium per hand,
 - iii. 555 ~~MBq megabecquerels~~ (15 millicuries) of tritium per dial (bezels are considered part of the dial),
 - iv. 3.7 ~~MBq megabecquerels~~ (100 microcuries) of promethium-147 per watch or 7.4 ~~MBq megabecquerels~~ (200 microcuries) of promethium-147 per any other timepiece,
 - v. 740 kBq (20 microcuries) of promethium-147 per watch hand or 1.48 ~~MBq megabecquerels~~ (40 microcuries) of promethium-147 per other timepiece hand,
 - vi. 2.22 ~~MBq megabecquerels~~ (60 microcuries) of promethium-147 per watch dial or 4.44 ~~MBq megabecquerels~~ (120 microcuries) of promethium-147 per other timepiece dial (bezels are considered part of the dial),
 - vii. The levels of radiation from hands and dials containing promethium-147 shall not exceed, when measured through 50 milligrams per square centimeter of absorber:
 - (1) For wrist watches, 1.0 μ Gy (0.1 millirad) per hour at 10 centimeters from any surface of the watch,
 - (2) For pocket watches, (0.1 millirad) per hour at 1 centimeter from any surface,
 - (3) For any other timepiece, 2.0 μ Gy (0.2 millirad) per hour at 10 centimeters from any surface,
 - viii. 37 kBq (1 microcurie) of radium-226 in time pieces manufactured prior to October 1, 1978;
 - ~~b.~~ ~~Lock illuminators containing not more than 555 MBq (15 millicuries) of tritium or not more than 74 MBq (2 millicuries) of promethium-147 installed in automobile locks. The levels of radiation from each lock illuminator containing promethium-147 shall not exceed 10 μ Gy (1 millirad) per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber;~~
 - ~~e.b.~~ Balances of precision containing not more than 37 ~~MBq megabecquerels~~ (1 millicurie) of tritium per balance or not more than 18.5 megabecquerels (0.5 millicurie) of tritium per balance part manufactured before December 17, 2007;
 - ~~d.~~ ~~Automobile shift quadrants containing not more than 925 MBq (25 millicuries) of tritium;~~
 - ~~e.c.~~ Marine compasses containing not more than 27.75 GBq (750 millicuries) of tritium gas and other marine navigational instruments containing not more than 9.25 GBq (250 millicuries) of tritium gas;
 - ~~f.~~ ~~Thermostat dials and pointers containing not more than 925 MBq (25 millicuries) of tritium per thermostat;~~
 - ~~g.d.~~ Electron tubes: Provided that each tube does not contain more than one of the following specified quantities of radioactive material:
 - i. 5.55 GBq (150 millicuries) of tritium per microwave receiver protector tube or 370 ~~MBq megabecquerels~~ (10 millicuries) of tritium per any other electron tube;
 - ii. 37 kBq (1 microcurie) of cobalt 60;
 - iii. 185 kBq (5 microcuries) of nickel 63;
 - iv. 1.11 ~~MBq megabecquerels~~ (30 microcuries) of krypton 85;
 - v. 185 kBq (5 microcuries) of cesium 137;
 - vi. 1.11 ~~MBq megabecquerels~~ (30 microcuries) of promethium-147;

And provided further, that the level of radiation due to radioactive material contained in each electron tube does not exceed 10 μ Gy (1 millirad) per hour at 1 centimeter from any surface when measured through 7 milligrams per square centimeter of absorber. The term "electron tubes" includes spark gap tubes, power tubes, gas tubes, including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes, and any other completely sealed tube that is designed to conduct or control electrical current.
 - ~~h.c.~~ Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material provided that:
 - i. Each source contains no more than one exempt quantity set forth in Exhibit B of this Article; and
 - ii. Each instrument contains no more than 10 exempt quantities. For the purposes of this subsection, an instrument's source or sources may contain either one type or different types of radionuclide and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in Exhibit B of this Article, provided the sum of the fractions do not exceed unity;
 - iii. For the purposes of subsection (B)(1)(h) only, 185 kBq (50 nanocurie) of americium-241 is considered an exempt quantity under Exhibit B of this Article.
 - iv. ~~Spark gap irradiators containing not more than 37 kBq (1 microcurie) of cobalt 60 per spark gap irradiator for use in electrically ignited fuel oil burners having a firing rate of at least 3 gallons per hour (11.4 liters/hr or 0.0114 m³/hr).~~
 - ~~f.~~ Ionization chamber smoke detectors containing not more than 1 microcurie ([micro]Ci) of americium-241 per detector in the form of a foil and designed to protect life and property from fires.
2. ~~Resins containing scandium 46 and designed for sand consolidation in oil wells. A person is exempt from this Chapter if the person receives, possesses, uses, transfers, owns, or acquires synthetic plastic resins containing scandium 46 which are designed for sand consolidation in oil wells. The described resins shall be manufactured, initially transferred for sale or distribution, or imported according to a specific license issued by the U.S. Nuclear Regulatory Commission, or shall be manufactured according to the specifications contained in a specific license issued by the Agency or any Agreement State to the manufacturer of the described resins according to licensing requirements equivalent to~~

those in 10 CFR 32.16 of the U.S. Nuclear Regulatory Commission. This exemption does not authorize the manufacture, or initially transferred for sale or distribution, of any resins containing scandium-46.

3-2. Self-luminous products

- a. Except for persons who manufacture, process, initially transferred for sale or distribution, or produce self-luminous products containing tritium, krypton-85, or promethium-147, a person is exempt from this Chapter if the person receives, possesses, uses, owns, transfers or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, initially transferred for sale or distribution, imported, or transferred under a specific license issued by the U.S. Nuclear Regulatory Commission and described in 10 CFR 32.22, and the license authorizes the transfer of the products to persons who are exempt from regulatory requirements. This exemption does not apply to tritium, krypton-85, or promethium-147 used in products for frivolous purposes or in toys or adornments.
- b. A person is exempt from this Chapter if the person receives, possesses, uses, or transfers articles containing less than 3.7 kBq (100 nanocuries) of radium-226, manufactured prior to October 1, 1978.

4-3. Gas and aerosol detectors containing radioactive material

- a. Except for persons who manufacture, process, initially transferred for sale or distribution, or produce gas and aerosol detectors containing radioactive material, a person is exempt from this Chapter if the person receives, possesses, uses, transfers, owns, or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards, provided that detectors containing radioactive material shall be manufactured, imported, or transferred according to a specific license issued by the U.S. Nuclear Regulatory Commission and described in 10 CFR 32.26, or equivalent regulations of an Agreement or Licensing State, and the license authorizes the transfer of the detectors to persons who are exempt from regulatory requirements.
- b. Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an Agreement State are exempt under subsection (B)(4)(a), provided that the device is labeled in accordance with the specific license authorizing distribution of the general licensed device, and that the detectors meet the requirements of the regulations of the U.S. Nuclear Regulatory Commission.

C. Exempt quantities

1. Except as provided in subsections (C)(2) and (3), a person is exempt from this Chapter if the person receives, possesses, uses, owns transfers or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in Exhibit B of this Article.
2. This subsection does not authorize the production, packaging, or repackaging or transfer of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.
3. Except as specified in this subsection, a person shall not, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in Exhibit B of this Article, knowing or having reason to believe the described quantities of radioactive material will be transferred to persons exempt under subsection (C) or equivalent Regulations of the U.S. Nuclear Regulatory Commission or any Agreement State or Licensing State. A person may transfer radioactive material for commercial distribution under a specific license issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.18 which license states that the radioactive material may be transferred by the licensee to persons exempt under this subsection or the equivalent regulations of the U.S. Nuclear Regulatory Commission or any Agreement State or Licensing State.
4. Sources containing exempt quantities of radioactive material shall not be bundled or placed in close proximity for the purpose of using the radiation from the combined sources in place of a single source, containing a licensable quantity of radioactive material.
5. Possession and use of bundled or combined sources containing exempt quantities of radioactive material in unregistered devices by persons exempt from licensing is prohibited.
6. Any person, who possesses byproduct material received or acquired before September 25, 1971, under the general license issued under R12-1-311(A) of this Article or similar general license of an Agreement State or the NRC, is exempt from the requirements for a license issued under R12-1-311(A) of this Article to the extent that this person possesses, uses, transfers, or owns byproduct material.
7. No person may, for purposes of producing an increased radiation level, combine quantities of byproduct material covered by this exemption so that the aggregate quantity exceeds the limits set forth in section 30.71, Schedule B, except for byproduct material combined within a device placed in use before May 3, 1999, or as otherwise permitted by the regulations in this part.

R12-1-305. General Licenses - Source Material

- A. This subsection grants a general license that authorizes ~~a person such as~~ commercial and industrial firms; research, educational, and medical institutions; and state and local government agencies to use, and transfer not more than 6.8 kg (15 pounds) of source material at any one time for research, development, educational, commercial, or operational purposes. A person authorized under this subsection shall not receive more than 68.2 kg (150 pounds) of source material in one cal-

endar year.

- B. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- E. No change

R12-1-306. General License - Radioactive Material Other Than Source Material

- A. This subsection grants a general license that authorizes ~~a person such as~~ a commercial or industrial firm, to transfer, receive, acquire, own, possess, and use radioactive material incorporated in the following devices or equipment manufactured, tested, and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission under 10 CFR 31.3. The devices regulated by this subsection include:
 - 1. No change
 - 2. No change
- B. Certain detecting, measuring, gauging or controlling devices.
 - 1. This subsection grants a general license that authorizes ~~a person such as~~ a commercial or industrial firm; a research, educational or medical institution; an individual conducting business; or a state or local government agency to receive, acquire, possess, use, or transfer radioactive material according to the provisions of 10 CFR 31.5(b), (c), and (d), revised January 1, ~~2008~~, 2010, incorporated by reference, and available under R12-1-101. The incorporated material contains no future editions or amendments; byproduct material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - 4. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - c. No change
 - i. No change
 - ii. No change
 - d. No change
 - e. No change
 - i. No change
 - ii. No change
 - iii. No change
 - f. No change
 - g. Not export a device that contains radioactive material except in accordance with 10 CFR 110, ~~January 1, 2005, which is incorporated by reference, published by the Office of the Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Agency. The material incorporated by reference contains no future editions or amendments.~~ revised January 1, 2010, incorporated by reference, and available under R12-1-101. The incorporated material contains no future editions or amendments.
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - n. No change

Notices of Proposed Rulemaking

- o. No change
- p. No change
- q. No change
- r. No change
- s. No change
- 5. No change
- 6. No change
- 7. The general license in subsection (B)(1) of this Section does not authorize the manufacture or import of devices containing byproduct material.
- C. No change
 - 1. No change
 - 2. No change
- D. No change
 - 1. This subsection grants a general license for calibration or reference sources that have been manufactured according to the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission under 10 CFR 32.57 or 10 CFR 70.39. This general license also governs calibration or reference sources that have been manufactured according to specifications contained in a specific license issued to the manufacturer by the Agency, an Agreement State, or a Licensing State, according to licensing requirements equivalent to those contained in 10 CFR 32.57 or 10 CFR 70.39, as applicable, January 1, 2004, which are incorporated by reference, published by the Office of the Federal Register, National Archives and Records Administration, Washington D.C. 20408, and on file with the Agency. The material incorporated by reference contains no future editions or amendments. revised January 1, 2010, incorporated by reference, and available under R12-1-101. The incorporated material contains no future editions or amendments.
 - 2. No change
 - 3. No change
 - 4. No change
- E. This subsection grants a general license that authorizes a person to receive, possess, use, transfer, own, or acquire carbon-14 urea capsules, which contain one microcurie of carbon-14 urea for ~~in vivo~~ "in vivo" human diagnostic use. ~~Receipt, possession, use, transfer, ownership or acquisition of carbon-14 urea capsules containing 1 microcurie of carbon-14 urea for "in vivo" human diagnostic use:~~
 - 1. No change
 - 2. No change
 - 3. A physician who desires to manufacture, prepare, process, produce, package, repackage, or transfer carbon-14 urea capsules for commercial distribution shall obtain a specific license from the Agency, issued according to the requirements in 10 CFR 32, January 1, 2005, which is incorporated by reference, published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, and on file with the Agency. The material incorporated by reference contains no future editions or amendments. revised January 1, 2010, incorporated by reference, and available under R12-1-101. The incorporated material contains no future editions or amendments.
 - 4. No change
- F. This subsection grants a general license that authorizes any physician, clinical laboratory, or hospital to use radioactive material for certain ~~in vitro~~ "in vitro" clinical or laboratory testing.
 - 1. No change
 - a. Iodine-125, in units not exceeding 370 ~~kBq~~ kilobecquerel (10 microcuries) each for use in ~~in vitro~~ "in vitro" clinical or laboratory tests not involving internal or external administration of radioactive material, or radiation from such material, to human beings or animals.
 - b. Iodine-131, in units not exceeding 370 ~~kBq~~ kilobecquerel (10 microcuries) each for use in ~~in vitro~~ "in vitro" clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation from such material, to human beings or animals.
 - c. Carbon-14, in units not exceeding 370 ~~kBq~~ kilobecquerel (10 microcuries) each for use in ~~in vitro~~ "in vitro" clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation from such material, to human beings or animals.
 - d. Hydrogen-3 (tritium), in units not exceeding 1.85 ~~MBq~~ megabecquerel (50 microcuries) each for use in ~~in vitro~~ "in vitro" clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation from such material, to human beings or animals.
 - e. Iron-59, in units not exceeding 740 ~~kBq~~ kilobecquerel (20 microcuries) each for use in ~~in vitro~~ "in vitro" clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation from such material, to human beings or animals.
 - f. Cobalt-57, in units not exceeding 370 ~~kBq~~ kilobecquerel (10 microcuries) each for use in ~~in vitro~~ "in vitro" clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation

Notices of Proposed Rulemaking

from such material, to human beings or animals.

- g. Mock iodine-125 reference or calibration sources, in units not exceeding 1.85 kBq (50 nanocurie) of iodine-129 and 185 ~~Bq becquerel~~ Bq becquerel (5 nanocurie) of americium-241 each, for use in ~~in vitro~~ "in vitro" clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation from such material, to human beings or animals.
- 2. A person shall not acquire, receive, possess, use, or transfer radioactive material according to the general license established by this subsection until the person has filed with the Agency ARRA-9, "Certificate -- ~~In Vitro~~ "In Vitro" Testing with Radioactive Material Under General License," provided the information listed in Exhibit E, and received a validated copy of ARRA-9, which indicates the assigned certification number. The physician, clinical laboratory, or hospital shall furnish on ARRA-9 the following information:
 - a. No change
 - b. A statement that the physician, clinical laboratory, or hospital has radiation measuring instruments to carry out ~~in vitro~~ "in vitro" clinical or laboratory tests with radioactive material and that tests will be performed only by personnel competent to use the instruments and handle the radioactive material.
- 3. No change
 - a. Not possess at any one time, in storage or use, a combined total of not more than 7.4 ~~MBq megabecquerel~~ MBq megabecquerel (200 microcuries) of iodine-125, iodine-131, iron-59, or cobalt-57 in excess of 7.4 ~~MBq megabecquerel~~ MBq megabecquerel (200 microcuries), or acquire or use in any one calendar month more than 18.5 ~~MBq megabecquerel~~ MBq megabecquerel (500 microcuries) of these radionuclides.
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- 4. No change
- 5. No change
- 6. For the purposes of subsection (F), a licensed veterinary care facility is considered a "clinical laboratory."
- G.** This subsection grants a general license that authorizes a person to receive, acquire, possess, use, and transfer strontium-90, contained in ice detection devices, provided each device contains not more than 1.85 ~~MBq megabecquerel~~ MBq megabecquerel (50 microcuries) of strontium-90 and each device has been manufactured or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or each device has been manufactured according to the specifications contained in a specific license issued by the Agency or any Agreement State to the manufacturer of the device under licensing requirements equivalent to those in 10 CFR 32.61. A person who receives, acquires, possesses, uses, or transfers strontium-90 contained in ice detection devices under a general license in accordance with subsection (G):
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change

R12-1-310. Special Requirements for Issuance of Specific Broad Scope Licenses

- A.** The Agency shall issue three classes of academic and industrial broad scope licenses, and only a single class A medical broad scope license.
 - 1. The license may authorize the radioactive materials in multi-curie quantities, and may authorize other radioactive materials and forms in addition to those listed in subsection (A)(1)(a). A license is a broad scope class A license if it:
 - a. Contains the exact wording "Any radioactive material with Atomic Number 3 through 83" or "Any radioactive material with Atomic Number 84 through 92" in License Item 6, and
 - b. Contains the word "any" to authorize the chemical or physical form of the materials in License Item 7.
 - e. ~~The license may authorize the radioactive materials in multi-curie quantities, and may authorize other radioactive materials and forms in addition to those listed in subsection (A)(1)(a).~~
 - 2. A broad scope class B license is any specific license which authorizes the acquisition, possession, use, and transfer of the radioactive materials specified in Exhibit C of 12 A.A.C. 1, Article 3 in any chemical or physical form and in quantities determined as follows:
 - a. The possession limit, if only one radionuclide is possessed, is the quantity specified for that radionuclide in Exhibit C, Column I; or
 - b. The possession limit for multiple radionuclides is determined as follows: The sum of the ratios for all radionuclides possessed under the license shall not exceed unity (1). The ratio for each radionuclide is determined by dividing the quantity possessed by the applicable quantity in Exhibit C, Column I.
 - 3. A broad scope class C license is any specific license authorizing the possession and use of the radioactive materials specified in Exhibit C of 12 A.A.C. 1, Article 3 in any chemical or physical form and in quantities determined as fol-

lows:

- a. The possession limit, if only one radionuclide is possessed, is the quantity specified for that radionuclide in Exhibit C, Column II; or
- b. The possession limit for multiple radionuclides is determined as follows: The sum of the ratios for all radionuclides possessed under the license shall not exceed unity (1). The ratio for each radionuclide is determined by dividing the quantity possessed by the applicable quantity in Exhibit C, Column II.

B. The Agency shall approve:

1. An application for a class A broad scope license if:
 - a. The applicant satisfies the general requirements specified in R12-1-309;
 - b. The applicant has engaged in a reasonable number of activities involving the use of radioactive material. For purposes of this subsection, the requirement of “reasonable number of activities” can be satisfied by showing that the applicant has five years of experience in the use of radioactive material. The Agency may accept less than five years of experience if the applicant’s qualifications are adequate for the scope of the proposed license; and
 - c. The applicant has established administrative controls and provisions relating to organization, management, procedures, recordkeeping, material control, accounting, and management review that are necessary to assure safe operations, including:
 - i. Establishment of a radiation safety committee composed of a radiation safety officer, a representative of management, and persons trained and experienced in the safe use of radioactive material;
 - ii. Appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and
 - iii. Establishment of appropriate administrative procedures to assure:
 - (1) Control of procurement and use of radioactive material;
 - (2) Completion of safety evaluations of proposed uses of radioactive material which take into consideration matters such as the adequacy of facilities and equipment, training and experience of the user, and operating or handling procedures; and
 - (3) Review, approval, and recording by the radiation safety committee of safety evaluations of proposed uses prepared in accordance with this subsection prior to use of the radioactive material.
2. An application for a class B broad scope license if:
 - a. The applicant satisfies the general requirements specified in R12-1-309; and
 - b. The applicant has established administrative controls and provisions relating to organization, management, procedures, recordkeeping, material control, accounting, and management review that are necessary to assure safe operations, including:
 - i. Appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and available for advice and assistance on radiation safety matters; and
 - ii. Establishment of appropriate administrative procedures to assure:
 - (1) Control of procurement and use of radioactive material;
 - (2) Completion of safety evaluations of proposed uses of radioactive material which take into consideration matters such as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and
 - (3) Review, approval, and recording by the radiation safety officer of safety evaluations of proposed uses prepared according to subsection (B)(2)(b)(ii) prior to use of the radioactive material.
3. An application for a class C broad scope license if:
 - a. The applicant satisfies the general requirements specified in R12-1-309; and
 - b. The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of, individuals who have received:
 - i. A college degree at the bachelor level, or equivalent training and experience, in the physical or biological sciences or in engineering; and
 - ii. At least 40 hours of training and experience in the safe handling of radioactive material, the characteristics of ionizing radiation, units of dose and quantities, radiation detection instrumentation, and biological hazards of exposure to radiation appropriate to the type and forms of radioactive material to be used; and
 - c. The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, recordkeeping, material control and accounting, and management review necessary to assure safe operations.

C. Unless specifically authorized, broad-scope licensees shall not:

1. Conduct tracer studies in the environment involving direct release of radioactive material;
2. Acquire, receive, possess, use, own, import, or transfer devices containing 3.7 petabecquerels (100,000 curies) or more of radioactive material in sealed sources used for irradiation of materials;
3. Conduct activities for which a specific license is issued under R12-1-311, and 12 A.A.C. 1, Articles 5, 7, or 17; or
4. Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug, or other product designed for

- ingestion or inhalation by, or application to, a human being.
- D. Radioactive material possessed under the class A broad scope license shall only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety committee.
 - E. Radioactive material possessed under the class B broad scope license shall only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety officer.
 - F. Radioactive material possessed under the class C broad scope license shall only be used by, or under the direct supervision of, individuals who satisfy the requirements of R12-1-310(B)(3)(b).

R12-1-320. Reciprocal Recognition of Licenses

- A. This subsection grants a general license to perform specific licensed activities in Arizona for a period not to exceed 180 days in any calendar year to any person who holds a specific license from an Agreement State, where the licensee maintains an office for directing the licensed activity and retaining radiation safety records, is granted a general license to conduct the same activity ~~for~~ activity involving the use of radioactive material from the U.S. Nuclear Regulatory Commission, Licensing State, or any Agreement State, provided that:
 - 1. The license does not limit the activity to specified installations or locations;
 - 2. The out-of-state licensee notifies the Agency in writing at least three days before engaging in the licensed activity. The notification shall indicate the location, period, and type of proposed possession and use within the ~~State~~ state, and be accompanied by a copy of the pertinent licensing document. If, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the Agency, obtain permission to proceed sooner. The Agency may waive the requirement for filing additional written notifications during the remainder of the calendar year, following receipt of the initial notification from a person engaging in activities under the general license provided in this Section;
 - 3. The out-of-state licensee complies with all applicable statutes and rules of the Agency and with all the terms and conditions of the license, except those terms and conditions inconsistent with applicable statutes and rules of the Agency;
 - 4. The out-of-state licensee supplies any other information the Agency requests; and
 - 5. The out-of-state licensee does not transfer or dispose of radioactive material possessed or used under the general license provided in this Section except by transfer to a person:
 - a. Specifically licensed by the Agency, or by the U.S. Nuclear Regulatory Commission to receive the radioactive material; or
 - b. Exempt under R12-1-303(A).
- B. Notwithstanding the provisions of subsection (A)(1), this subsection grants a general license to manufacture, install, transfer, demonstrate, or service a device described in R12-1-306(B)(1) to any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission, Licensing State, or an Agreement State authorizing the same activities within areas subject to the jurisdiction of the licensing body, provided that:
 - 1. The person files a report with the Agency within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this ~~State~~ state. Each report shall identify the general licensee to whom the device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;
 - 2. The device has been manufactured, labeled, installed, and serviced according to the applicable provisions of the specific license issued to the person by the U.S. Nuclear Regulatory Commission or an Agreement State;
 - 3. The person entering the state ensures that any labels required to be affixed to the device under rules of the authority which licensed manufacture of the device bear the following statement: "Removal of this label is prohibited"; and
 - 4. The holder of the specific license furnishes a copy of the general license contained in R12-1-306(B), or equivalent rules of the agency having jurisdiction over the manufacture or distribution of the device, to each general licensee to whom the licensee transfers the device or on whose premises the device is installed.
- C. The Agency may withdraw, limit, or qualify the acceptance of any specific license or equivalent licensing document issued by another agency, or any product distributed under a license, upon determining that an action is necessary to prevent undue hazard to public health and safety, or property.
- D. Before radioactive material can be used at a temporary job site within the state at any federal facility, a specific licensee shall determine the jurisdictional status of the job site. If the jurisdictional status is unknown, the specific licensee shall contact the controlling federal agency to determine whether the job site is under exclusive federal jurisdiction.
- E. Before using radioactive material at a job site under exclusive federal jurisdiction, a specific licensee shall:
 - 1. Obtain authorization from the NRC; and
 - 2. Use the radioactive material in accordance with applicable NRC regulations and orders, and be able to demonstrate to the Agency that the correct license fee was paid to the NRC.
- F. Before radioactive material can be used at a temporary job site in another state, a specific licensee shall obtain authorization from the state, if it is an Agreement State, or from the NRC for any non-Agreement State, either by filing for reciprocity or applying for a specific license.

ARTICLE 7. MEDICAL USES OF RADIOACTIVE MATERIAL

R12-1-710. Radiation Safety Officer Training

- A. A licensee shall require an individual fulfilling the responsibilities of the radiation safety officer, described in R12-1-705, to be an individual who:
1. Is certified by a specialty board whose certification process includes all of the requirements in subsection ~~(2)~~ (A)(2) and whose certification has been recognized by the Agency, NRC, or an Agreement State. To have its certification process recognized, a specialty board shall require all candidates for certification to:
 - a. Meet the following minimum requirements:
 - i. Hold a bachelor's or graduate degree from an accredited college or university in physical science or engineering or biological science with a minimum of 20 college credits in physical science;
 - ii. Have five or more years of professional experience in health physics (graduate training may be substituted for no more than two years of the required experience) including at least three years in applied health physics; and
 - iii. Pass an examination administered by diplomates of the specialty board, which evaluates knowledge and competence in radiation physics and instrumentation, radiation protection, mathematics pertaining to the use and measurement of radioactivity, radiation biology, and radiation dosimetry; or
 - b. Meet the following minimum requirements:
 - i. Hold a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university;
 - ii. Have two years of full-time practical training and/or supervised experience in medical physics:
 - (1) Under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the Commission or an Agreement State; or
 - (2) In clinical nuclear medicine facilities providing diagnostic and/or therapeutic services under the direction of physicians who meet the requirements for authorized users in section 35.57, 35.290, or 35.390;
 - iii. Pass an examination, administered by diplomates of the specialty board, that assesses knowledge and competence in clinical diagnostic radiological or nuclear medicine physics and in radiation safety; or
 2. Has completed a structured educational program consisting of both:
 - a. 200 hours of didactic and laboratory training in the following areas:
 - i. Radiation physics and instrumentation;
 - ii. Radiation protection;
 - iii. Mathematics pertaining to the use and measurement of radioactivity;
 - iv. Radiation biology; and
 - v. Radiation dosimetry; and
 - b. One year of full-time radiation safety experience under the supervision of the individual identified as the radiation safety officer on an Agency, NRC, or an Agreement State license or permit issued by a NRC master material licensee that authorizes similar type(s) of use(s) of radioactive material involving the following:
 - i. Shipping, receiving, and performing related radiation surveys;
 - ii. Using and performing checks for proper operation of instruments used to determine the activity of dosages, survey meters, and instruments used to measure radionuclides;
 - iii. Securing and controlling radioactive byproduct material;
 - iv. Using administrative controls to avoid mistakes in the administration of radioactive byproduct material;
 - v. Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;
 - vi. Using emergency procedures to control radioactive byproduct; and
 - vii. Disposing of radioactive byproduct material; and or
 - c. Has obtained written certification, signed by a preceptor radiation safety officer, that the individual has satisfactorily completed the requirements in subsection (A)(2)(a) and ~~(A)(2)(b)~~ (b) and has achieved a level of radiation safety knowledge sufficient to function independently as a radiation safety officer for a medical use licensee; or
 3. Is an authorized user, authorized medical physicist, or authorized nuclear pharmacist identified on the licensee's license and has experience with the radiation safety aspects of similar types of use of radioactive material for which the individual has radiation safety officer responsibilities.
- B. Exceptions.
1. An individual identified as a radiation safety officer on an Agency, a NRC, or an Agreement State license or a permit issued by the NRC or an Agreement State broad scope licensee or master material license permit or by a master material license permittee of broad scope before the effective date of these rules need not comply with the training requirements in subsections (A)(1) through ~~(A)(3)~~ (3).
 2. A physician, dentist, or podiatrist identified as an authorized user for the medical use of radioactive material on a license issued by the Agency, NRC, or Agreement State, a permit issued by a NRC master material licensee, a permit

issued by an Agency, NRC, or Agreement State broad scope licensee, or a permit issued by a NRC master material license broad scope permittee before the effective date of these rules need not comply with the training requirements in this Article.

- C. The training and experience required in this Section shall be obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.

ARTICLE 10. NOTICES, INSTRUCTIONS, AND REPORTS TO ~~IONIZING~~ RADIATION WORKERS; INSPECTIONS

**Exhibit A. Form ARRA-6 (~~1993~~ 2011) Notice to Employees
ARRA-6 (~~1993~~ 2011) ARIZONA RADIATION REGULATORY AGENCY**

NOTICE TO EMPLOYEES

STANDARDS FOR PROTECTION AGAINST ~~IONIZING~~ RADIATION; NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS; INSPECTIONS

In Article 4 of the Arizona Radiation Regulatory Agency (ARRA) rules for the Control of ~~ionizing~~ Radiation, the Arizona Radiation Regulatory Agency has established standards for your protection against radiation hazards. In Article 10 of the rules for the Control of ~~ionizing~~ Radiation, the Arizona Radiation Regulatory Agency has established certain provisions for the options of workers engaged in work under an ARRA license or registration.

YOUR EMPLOYER'S RESPONSIBILITY

Your employer is required to -

1. Apply these rules to work involving sources of ~~ionizing~~ radiation.
2. Post or otherwise make available to you a copy of the Arizona Radiation Regulatory Agency rules, licenses, and operating procedures which apply to work you are engaged in, and explain their provisions to you.
3. Post notice of violation involving radiological working conditions, proposed imposition of civil penalties, and orders.

YOUR RESPONSIBILITY AS A WORKER

You should familiarize yourself with those provisions of the Arizona Radiation Regulatory Agency rules and the operating procedures which apply to the work you are engaged in. You should observe their provisions for your own protection and protection of your co-workers.

WHAT IS COVERED BY THESE RULES

1. Limits on exposure to radiation and radioactive material in restricted and unrestricted areas;
2. Measures to be taken after accidental exposure;
3. Personnel monitoring, surveys, and equipment;
4. Caution signs, labels, and safety interlock equipment;
5. Exposure records and reports;
6. Options for workers regarding ARRA inspections; and
7. Related matters.

REPORTS ON YOUR RADIATION EXPOSURE HISTORY

1. The Arizona Radiation Regulatory Agency rules require that your employer give you a written report if you receive an exposure in excess of any applicable limit set forth in the rules or in the license. The basic limits for exposure to employees are set forth in Article 4 of the rules. These Sections specify limits on exposure to radiation and exposure to concentrations of radioactive material in air and water.
2. If you work where personnel monitoring is required, and if you request information on your radiation exposures,
 - a. Your employer must give you a written report, upon termination of your employment, of your radiation exposures; and
 - b. Your employer must advise you annually of your exposure to radiation.

INSPECTIONS

All licensed or registered activities are subject to inspection by representatives of the Arizona Radiation Regulatory Agency. In addition, any worker or representative of workers who believes that there is a violation of the regulations issued thereunder, or the terms of the employer's license or rules with regard to radiological working conditions in which the worker is engaged, may request an inspection by sending a notice of the alleged violation to the Arizona Radiation Regulatory Agency. The request must set forth the specific grounds for the notice and must be signed by the worker on his own behalf or as a representative of the workers. During inspections, ARRA inspectors may confer privately with workers, and any worker may bring to the attention of the inspectors any past or present condition which he believes contributed to or caused any violation as described above.

INQUIRIES

Inquiries dealing with the matters outlined above can be sent to the:

ARIZONA RADIATION REGULATORY AGENCY

Notices of Proposed Rulemaking

POSTING REQUIREMENT

IN ACCORDANCE WITH A.A.C. R12-1-1002, COPIES OF THIS NOTICE SHALL BE POSTED IN SUCH A MANNER TO PERMIT EMPLOYEES WORKING IN OR FREQUENTING ANY PORTION OF A RESTRICTED AREA, USED FOR ACTIVITIES LICENSED OR REGISTERED PURSUANT TO ARTICLE 2 OR ARTICLE 3 OF THE AGENCY'S RULES, TO OBSERVE A COPY OR COPIES ON THE WAY TO OR FROM THEIR WORK AREA.

ARTICLE 15. TRANSPORTATION

R12-1-1501. Requirement for License

- A.** A person shall not transport radioactive material or deliver radioactive material to a carrier for transport unless the person is authorized in a general or specific license issued by the Agency or exempt under R12-1-103(A).
- B.** The rules in this Article apply to any licensee to transfer licensed material, if the licensee delivers that material to a carrier for transport, transports the material outside the site of usage as specified in the license, or transports that material on public highways. No provision of this Article authorizes possession of licensed material.

R12-1-1509. ~~Reserved~~ General License: Plutonium-Beryllium Special Form Material

- A.** A general license is issued to any licensee of the Agency to transport fissile material in the form of plutonium-beryllium (Pu-Be) special form sealed sources, or to deliver Pu-Be sealed sources to a carrier for transport, if the material is shipped in accordance with this Article. This material must be contained in a Type A package. The Type A package must also meet the DOT requirements of 49 CFR 173.417(a), revised October 1, 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments.
- B.** The general license applies only to a licensee who has a quality assurance program approved by the Agency as satisfying the provisions of R12-1-1507.
- C.** The general license applies only when a package's contents:
 - 1. Contain no more than a Type A quantity of radioactive material; and
 - 2. Contain less than 1000 g of plutonium, provided that: plutonium-239, plutonium-241, or any combination of these radionuclides, constitutes less than 240 g of the total quantity of plutonium in the package.
- D.** The general license applies only to packages labeled with a CSI which:
 - 1. Has been determined in accordance with subsection (E) of this Section;
 - 2. Has a value less than or equal to 100; and
 - 3. For a shipment of multiple packages containing Pu-Be sealed sources, the sum of the CSIs must be less than or equal to 50 (for shipment on a nonexclusive use conveyance) and less than or equal to 100 (for shipment on an exclusive use conveyance).
- E.** The value for the CSI must be greater than or equal to the number calculated by the following equation:
 - 1. $CSI=10[(\text{grams of } ^{239}\text{Pu} + \text{grams of } ^{241}\text{Pu})/24]$.
 - 2. The calculated CSI must be rounded up to the first decimal place.

R12-1-1510. Packaging

- A.** A general license is issued to any licensee to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, certificate of compliance, or other approval has been issued by the NRC.
 - 1. This general license applies only to a licensee that has a quality assurance program approved by the Agency as satisfying R12-1-1507;
 - 2. This general license applies only to a licensee that:
 - a. Has a copy of the license, certificate of compliance, or other approval of the package, and has the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken before shipment;
 - b. Complies with the terms and conditions of the license, certificate, or other approval, as applicable, and the applicable requirements of this Article; and
 - c. Before the licensee's first use of the package, submits in writing to the Agency the licensee's name, license number, and the package identification number specified in the package approval.
 - 3. This general license applies only when the package approval authorizes use of the package under this general license.
 - 4. The general license applies only when a package's contents:
 - a. Contain no more than a Type A quantity of radioactive material; and
 - b. Contain less than 500 total grams of beryllium, graphite, or hydrogenous material enriched in deuterium.
 - 5. The general license applies only to packages containing fissile material that are labeled with a CSI which:
 - a. Has been determined in accordance with subsection (E) of this Section;
 - b. Has a value less than or equal to 10; and
 - c. For a shipment of multiple packages containing fissile material, the sum of the CSIs must be less than or equal to 50 (for shipment on a nonexclusive use conveyance) and less than or equal to 100 (for shipment on an exclusive use conveyance).

6. The CSI value must meet the following requirements:
 - a. The value for the CSI must be greater than or equal to the number calculated by the following equation: $CSI=10[(\text{grams of } ^{235}\text{U}/X) + (\text{grams of } ^{235}\text{U}/Y) + \text{grams of } ^{235}\text{U}/Z]$;
 - b. The calculated CSI must be rounded up to the first decimal place;
 - c. The values of X, Y, and Z used in the CSI equation must be taken from Tables 71-1 or 71-2 as appropriate located in 10 CFR 71.22, revised January 1, 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments;
 - d. If Table 71-2 is used to obtain the value of X, then the values for the terms in the equation for uranium-233 and plutonium must be assumed to be zero; and
 - e. Table 71-1 values for X, Y, and Z must be used to determine the CSI if:
 - i. Uranium-233 is present in the package;
 - ii. The mass of plutonium exceeds 1 percent of the mass of uranium-235;
 - iii. The uranium is of unknown uranium-235 enrichment or greater than 24 weight percent enrichment; or
 - iv. Substances having a moderating effectiveness (i.e., an average hydrogen density greater than H₂O) (e.g., certain hydrocarbon oils or plastics) are present in any form, except as polyethylene used for packing or wrapping.

4-7. For a Type B or fissile material package, the design of which was approved by NRC before April 1, 1996, the general license is subject to the additional restrictions of subsection (B).

B. Type B packages.

1. A Type B package previously approved by NRC but not designated as B(U) or B(M) in the identification number of the NRC Certificate of Compliance, may be used under the general license of subsection (A) with the following additional conditions:
 - a. Fabrication of the packaging is satisfactorily completed by August 31, 1986, as demonstrated by application of its model number in accordance with 10 CFR 71.85(c) (Revised January 1, ~~2008~~ 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments.);
 - b. A package that is used for a shipment to a location outside the United States is subject to multilateral approval, as defined in 49 CFR 173.403 (Revised October 1, ~~2007~~ 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments.); and
 - c. A serial number that uniquely identifies each package which conforms to the approved design and is assigned to, and legibly and durably marked on, the outside of each package.
 - d. The licensee shall ascertain that there are no cracks, pinholes, uncontrolled voids, or other defects that could significantly reduce the effectiveness of the packaging;
 - e. Where the maximum normal operating pressure will exceed 35 kPa (5 lbf/in²) gauge, the licensee shall test the containment system at an internal pressure at least 50 percent higher than the maximum normal operating pressure, to verify the capability of that system to maintain its structural integrity at that pressure; and
2. A Type B(U) package, a Type B(M) package, a low specific activity (LSA) material package or a fissile material package, previously approved by the NRC but without the “-85” designation in the identification number of the NRC certificate of compliance, may be used under the general license of subsection (A) with the following additional conditions:
 - a. Fabrication of the packaging is satisfactorily completed by April 1, 1999 as demonstrated by application of its model number in accordance with 10 CFR 71.85(c) (Revised January 1, ~~2008~~ 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments.);
 - b. A package that is used for a shipment to a location outside the United States is subject to multilateral approval as defined in 49 CFR 173.403 (Revised October 1, ~~2007~~ 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments.); and
 - c. A serial number which uniquely identifies each package which conforms to the approved design and is assigned to, and legibly and durably marked on, the outside of each package.
3. A licensee may modify the design and authorized contents of a Type B package, or a fissile material package, previously approved by NRC, provided:
 - a. The modifications of a Type B package are not significant with respect to the design, operating characteristics, or safe performance of the containment system, when the package is subjected to the tests specified in 10 CFR 71.71 and 71.73 (Revised January 1, ~~2008~~ 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments.);
 - b. The modifications of a fissile material package are not significant, with respect to the prevention of criticality, when the package is subjected to the tests specified in 10 CFR 71.71 and 71.73 (Revised January 1, ~~2008~~ 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments.); and
 - c. The modifications to the package satisfy the requirements of this Section.
4. The NRC will revise the package identification number to designate previously approved package designs as B(U),

- B(M), AF, BF, or A as applicable, and with the identification number suffix “-85” after receipt of an application demonstrating that the design meets the requirements of this Section.
5. For purposes of this Section, package types are defined in 10 CFR 71.4, revised January 1, ~~2008~~ 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments.
- C. A general license is issued to any licensee of the Agency to transport fissile material, or to deliver to a carrier for transport, licensed material in a specification container for fissile material or for a Type B quantity of radioactive material as specified in 49 CFR 173 and 178 (Revised October 1, ~~2007~~ 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments.) if the following requirements are met:
1. The licensee shall maintain a quality assurance program approved by the Agency as satisfying R12-1-1507.
 2. The licensee shall:
 - a. Maintain a copy of the specification; and
 - b. Comply with the terms and conditions of the specification and the applicable requirements in 10 CFR 71, Subparts A, G, and H, revised January 1, ~~2008~~ 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments.
 3. The licensee may not use the specification container for a shipment to a location outside the United States, except by multilateral approval, as defined in 49 CFR 173.403, revised October 1, ~~2007~~ 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments.
- D. Foreign packaging.
1. A general license is issued to any licensee of the Agency to transport, or to deliver to a carrier for transport, licensed material in a package the design of which has been approved in a foreign national competent authority certificate that has been revalidated by the Federal Department of Transportation as meeting the applicable requirements of 49 CFR 171.12, revised October 1, ~~2007~~ 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments.
 2. Except as otherwise provided in this Section, the general license applies only to a licensee who has a quality assurance program approved by the Agency as satisfying the applicable provisions of R12-1-1507.
 3. This general license applies only to:
 - a. Shipments made to or from locations outside the United States.
 - b. A licensee that:
 - i. Has a copy of the applicable certificate, the revalidation, and the drawings and other documents referenced in the certificate, relating to the use and maintenance of the packaging and to the actions to be taken before shipment; and
 - ii. Complies with the terms and conditions of the certificate and revalidation, and with the applicable requirements in 10 CFR 71, Subparts A, G, and H, revised January 1, ~~2008~~ 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments. With respect to the quality assurance provisions of Subpart H of the regulations, the licensee is exempt from design, construction, and fabrication requirements.
- E. Assumptions as to unknown properties. When the isotopic abundance, mass, concentration, degree of irradiation, degree of moderation, or other pertinent property of fissile material in any package is not known, the licensee shall package the fissile material as if the unknown properties have credible values that will cause the maximum neutron multiplication.
- F. Routine determination before each shipment of licensed material shall ensure that the package with its contents satisfies the applicable requirements of this Article and of the license. The licensee shall determine that:
1. The package is proper for the contents to be shipped;
 2. The package is in unimpaired physical condition except for superficial defects such as marks or dents;
 3. Each closure device of the packaging, including any required gasket, is properly installed and secured and free of defects;
 4. Any system for containing liquid is adequately sealed and has adequate space or other specified provision for expansion of the liquid;
 5. Any pressure relief device is operable and set in accordance with written procedures;
 6. The package has been loaded and closed in accordance with written procedures;
 7. For fissile material, any moderator or neutron absorber, if required, is present and in proper condition;
 8. Any structural part of the package that could be used to lift or tie down the package during transport is rendered inoperable for that purpose, unless it satisfies the design requirements of 10 CFR 71.45 revised January 1, 2010, incorporated by reference, and available under R12-1-101;
 9. The level of non-fixed (removable) radioactive contamination on the external surfaces of each package offered for shipment is as low as reasonably achievable, and within the limits specified in DOT regulations in 49 CFR 173.443 revised October 1, 2010, incorporated by reference, and available under R12-1-101;
 10. External radiation levels around the package and around the vehicle, if applicable, will not exceed the limits specified in 10 CFR 71.47 revised January 1, 2010, incorporated by reference, and available under R12-1-101, at any time during transportation; and

11. Accessible package surface temperatures will not exceed the limits specified in 10 CFR 71.43(g) revised January 1, 2010, incorporated by reference, and available under R12-1-101, at any time during transportation.

R12-1-1513. Reserved Opening Instructions

Before delivery of a package to a carrier for transport, the licensee shall ensure that any special instructions needed to safely open the package have been sent to, or otherwise made available to, the consignee for the consignee's use in accordance with 10 CFR 20.1906(e) revised January 1, 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments.

NOTICE OF PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

**CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS**

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 236.) The Governor's Office authorized the notice to proceed through the rulemaking process on June 24, 2011.

[R12-02]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action**

R17-5-501	Amend
R17-5-504	Amend
R17-5-506	Repeal
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 28-366
Implementing statutes: A.R.S. §§ 28-4002 and 28-4034
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rules:**

Notice of Rulemaking Docket Opening: 17 A.A.R. 1819, September 16, 2011
- 4. The agency's contact person who can answer questions about the rulemaking:**

Name:	John Lindley
Address:	Administrative Rules Department of Transportation 1801 W. Jefferson St., Mail Drop 517M Phoenix, AZ 85007
Telephone:	(602) 712-8804
Fax:	(602) 712-3373
E-mail:	jlindley@azdot.gov

Please visit the ADOT web site to track progress of these rules and any other agency rulemaking matters at www.azdot.gov/mvd/mvdrules/index.asp.
- 5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

The rules prescribe the financial responsibility requirements for commercial motor carriers. The Department has determined that over the past several years statutory references and other information contained within the rules have changed. The rules need to be updated to provide accurate references and information for motor carriers to comply with Arizona's financial responsibility requirements. Additionally, a person or motor carrier that maintains a valid United States Department of Transportation number and files proof of financial responsibility with the Federal Motor Carrier Safety Administration under 49 CFR 387 is not required to submit additional proof of financial responsibility under these rules, except on written request by the Department.

Notices of Proposed Rulemaking

6. A reference to any study relevant to the rules that the agency reviewed and proposes to either rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Department did not review or rely on any study relevant to the rules.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

There is no economic impact resulting from the amendment of the rules other than the resources necessary for rule-making.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Eileen Colleran, Policy and Rules Administrator

Address: Department of Transportation
206 S. 17th Ave., Mail Drop 140A
Phoenix, AZ 85007

Telephone: (602) 712-7685

Fax: (602) 712-3232

E-mail: ecolleran@azdot.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

An oral proceeding is not scheduled for the proposed rules. To request an oral proceeding or to submit a comment in writing, by fax, or e-mail, please contact the Administrative Rules Analyst listed in item 4 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, with the exception of legal state holidays. If no request for an oral proceeding is made, the public record will close at 5:00 p.m. February 27, 2012.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

There are no other matters prescribed by statute applicable to the Department or to any specific rule or class of rules.

a. Whether the rules require a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules require no permit.

b. Whether a federal law is applicable to the subject of the rules, whether the rules are more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rules apply only to Arizona intrastate motor carriers not subject to the motor carrier financial responsibility reporting requirements of the Federal Motor Carrier Safety Administration who choose not to insure a motor vehicle or vehicle combination through an insurance company that electronically reports to the Department under A.R.S. § 28-4148 and Article 8 of this Chapter. The rules are not more stringent than federal law.

c. Whether a person submitted an analysis to the agency that compares a rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted to the Department.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

This rulemaking contains no materials incorporated by reference.

13. The full text of the rules follows:

TITLE 17. TRANSPORTATION

CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS

ARTICLE 5. MOTOR CARRIER FINANCIAL RESPONSIBILITY

Section

- R17-5-501. Definitions
R17-5-504. Requirement to Submit Proof of Financial Responsibility; Applicability; ~~and~~ Procedure; Exception
R17-5-506. ~~Failure to Maintain Proof of Financial Responsibility and Suspension Repealed~~

ARTICLE 5. MOTOR CARRIER FINANCIAL RESPONSIBILITY

R17-5-501. Definitions

In addition to the definitions provided under A.R.S. §§ 28-4031, 28-5201, and 28-5431, in this Article, unless the context otherwise requires:

1. ~~“Binder” means a contract for temporary insurance as described in A.R.S. § 20-1120.~~
2. ~~“Division” means the Arizona Department of Transportation, Motor Vehicle Division.~~
3. “Initial motor vehicle registration” means the first time a motor carrier registers a specific motor vehicle or a vehicle combination in Arizona.
4. “Insurance company” means an entity that is in the business of issuing motor carrier liability insurance policies.
5. ~~“Lightweight motor vehicle” has the meaning in A.R.S. § 28-5201(6).~~
6. “Managing general agent” has the meaning ~~in~~ prescribed under A.R.S. § 20-284(A) 20-311.
7. ~~“Motor carrier” has the meaning in A.R.S. § 28-5201(8).~~
8. ~~“Motor vehicle” has the meaning in A.R.S. § 28-5201(9).~~
9. ~~“Motor vehicle liability policy” has the meaning in A.R.S. § 28-4001(4).~~
10. ~~“Proof of financial responsibility” has the meaning in A.R.S. § 28-4001(7).~~
11. ~~“Vehicle combination” has the meaning in A.R.S. § 28-5431(3).~~

R17-5-504. Requirement to Submit Proof of Financial Responsibility; Applicability; ~~and~~ Procedure; Exception

- A. If a person or motor carrier subject to financial responsibility requirements under A.R.S. § 28-4032 does not insure its motor vehicle or vehicle combination by an insurance company that electronically reports to the Division Department under A.R.S. § 28-4148, ~~R17-5-502, or R17-5-503~~ and Article 8 of this Chapter, the person or motor carrier shall submit proof of financial responsibility as prescribed in this Section, and in the amount required under A.R.S. § 28-4033(A), as follows:
1. ~~At the time of~~ On initial motor vehicle registration, or
 2. ~~As notified by the Division under R17-5-506~~ On written request by the Department.
- B. An insurance company, its managing general agent, broker, or agent may submit, ~~on behalf of a motor carrier,~~ proof of financial responsibility to the Division Department on behalf of a person or motor carrier.
- C. As proof of financial responsibility, a person or motor carrier shall submit to the Department ~~the original or a photocopy of:~~
1. A valid liability insurance policy;
 2. A binder dated within 90 days of filing with the Division;
 3. A completed and signed Form E Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance ~~listed in subsection (E), issued by an insurer that holds a valid certificate of authority or that is permitted to transact surplus lines insurance in this state,~~ naming the Arizona Department of Transportation as the ~~Commission~~ agency;
 4. A completed and signed Certificate of Liability Insurance form ~~listed in subsection (F), issued by an insurer that holds a valid certificate of authority or that is permitted to transact surplus lines insurance in this state,~~ naming the Arizona Department of Transportation, ~~Motor Vehicle Division~~ as the certificate holder; or
 5. A certificate of self-insurance issued by the Division Department after a person or motor carrier meets the requirements of R17-5-810 and A.R.S. §§ 28-4007 and 28-4135.
- D. Before a binder submitted as proof of financial responsibility expires, a motor carrier shall submit:
1. A binder from an insurance company other than the insurance company named in the first binder; or
 2. Proof of financial responsibility listed in subsections (C)(1) or (C)(3) through ~~(C)(5)~~ (5).
- ~~E. A person may obtain a Form E from:~~
Uniform Information Services, Inc.
125 Nagog Park, Acton, Massachusetts 01720;
Telephone: (800) 872-0700;
Fax: (978) 263-1824; or
Web site: www.uniforminformationservices.com.
- ~~F. A person may obtain a Certificate of Liability Insurance form from:~~
ACORD
1 Blue Hill Plaza, P.O. Box 1529, 15th Floor
Pearl River, New York 10965;
Telephone: (800) 444-3341 extension 506;
Fax: (845) 620-3600; or

Web site: www.acord.org

- E.** ~~A person or motor carrier that maintains a valid USDOT number and files proof of financial responsibility with the Federal Motor Carrier Safety Administration under 49 CFR 387 is not required to submit additional proof of financial responsibility under this Section, except on written request by the Department.~~

R17-5-506. ~~Failure to Maintain Proof of Financial Responsibility and Suspension Repealed~~

- A.** ~~If a motor carrier's proof of financial responsibility expires, is cancelled, or lapses, with no new proof of financial responsibility submitted to the Division, the Division shall send the motor carrier a dated intent to suspend notice by regular mail.~~
- ~~1. A motor carrier shall, within 20 days after the date of the intent to suspend notice, submit to the Division proof of financial responsibility that complies with R17-5-504.~~
 - ~~2. If a motor carrier does not submit proof of financial responsibility within the time prescribed under subsection (A)(1), the Division shall immediately suspend the motor carrier's vehicle registration.~~
 - ~~3. If a motor carrier submits proof of financial responsibility during a suspension, the Division shall immediately reinstate the motor carrier's vehicle registration.~~
- B.** ~~A motor carrier may request a hearing for a vehicle registration suspension as follows:~~
- ~~1. 17 A.A.C. 1, Article 5 applies to a hearing request and to any hearing.~~
 - ~~2. An Administrative Law Judge shall limit the scope of a hearing to whether the motor carrier has proof of financial responsibility under R17-5-505.~~